

We Are Not Allowed Ink Pens

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**FILED**

JAN 06 2021

CARMELITA REEDER SHINN, CLERK  
U.S. DIST. COURT, WESTERN DIST. OKLA.  
BY [Signature] DEPUTYShane Josiah Kirk,

(Enter the full name of the plaintiff.)

**CIV 21 0004 J**

v.

Case No. \_\_\_\_\_  
(Court Clerk will insert case number)(1) Stephens County,(2) State of Oklahoma,

(3) \_\_\_\_\_

(Enter the full name of each defendant. Attach additional sheets as necessary.)

**PRO SE PRISONER CIVIL RIGHTS COMPLAINT**Initial Instructions

1. You must type or legibly handwrite the Complaint, and you must answer all questions concisely and in the proper space. Where more space is needed to answer any question, you may attach a separate sheet.
2. You must provide a full name for each defendant and describe where that defendant resides or can be located.
3. You must send the original complaint and one copy to the Clerk of the District Court.
4. You must pay an initial fee of \$400 (including a \$350 filing fee and a \$50 administrative fee). The complaint will not be considered filed until the Clerk receives the \$400 fee or you are granted permission to proceed *in forma pauperis*.
5. If you cannot prepay the \$400 fee, you may request permission to proceed *in forma pauperis* in accordance with the procedures set forth in the Court's form application to proceed *in forma pauperis*. See 28 U.S.C. § 1915; Local Civil Rule 3.3.

- If the court grants your request, the \$50 administrative fee will not be assessed and your total filing fee will be \$350.
- You will be required to make an initial partial payment, which the court will calculate, and then prison officials will deduct the remaining balance from your prison accounts over time.
- These deductions will be made until the entire \$350 filing fee is paid, **regardless of how the court decides your case.**

7. The Court will review your complaint before deciding whether to authorize service of process on the defendants. *See* 28 U.S.C. §§ 1915(e)(2), 1915A; 42 U.S.C. § 1997e(c)(1). If the Court grants such permission, the Clerk will send you the necessary instructions and forms.

8. If you have been granted permission to proceed *in forma pauperis*, the United States Marshals Service will be authorized to serve the defendants based on information you provide. If you have not been granted permission to proceed *in forma pauperis*, you will be responsible for service of a separate summons and copy of the complaint on each defendant in accordance with Rule 4 of the Federal Rules of Civil Procedure.

### COMPLAINT

**I. Jurisdiction is asserted pursuant to:**

X 42 U.S.C. § 1983 and 28 U.S.C. § 1343(a)(3) (NOTE: these provisions generally apply to state prisoners), or

       *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971), and 28 U.S.C. § 1331 (NOTE: these provisions generally apply to federal prisoners)

If you want to assert jurisdiction under different or additional statutes, list these below:

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**II. State whether you are a:**

☐ Convicted and sentenced state prisoner

☐ Convicted and sentenced federal prisoner

☒ Pretrial detainee

☐ Immigration detainee

☐ Civilly committed detainee

☐ Other (please explain) \_\_\_\_\_

**III. Previous Federal Civil Actions or Appeals**

List each civil action or appeal you have brought in a federal court while you were incarcerated or detained in any facility.

**1. Prior Civil Action/Appeal No. 1**

**a. Parties to previous lawsuit:**

Plaintiff(s): Shane Josiah Kirk

Defendant(s): (Mitchell) Solomon et al

**b. Court and docket number:** 20-1242-SLP

**c. Approximate date of filing:** 15 DEC 2020

**d. Issues raised:** Torture/Abuse, Denial of Procedural Voice, Denial of Victim Status

**e. Disposition (for example: Did you win? Was the case dismissed? Was summary judgment entered against you? Is the case still pending? Did you appeal?):** Still Pending

**f. Approximate date of disposition:** Now

If there is more than one civil action or appeal, describe the additional civil actions or appeals using this same format on a separate sheet(s).

#### IV. Parties to Current Lawsuit

State information about yourself and each person or company listed as a defendant in the caption (the heading) of this complaint.

1. Plaintiff

Name and any aliases: Shane Josiah Sisk + All Felony Inmates In  
Address: 101 S. 11<sup>th</sup> Street, Duncan, OK 73533 County  
Inmate No.: NA

2. Defendant No. 1

Name and official position: SEE ATTACHED

Place of employment and/or residence: ~~101 S. 11<sup>th</sup> Street~~  
~~Duncan, OK 73533~~

How is this person sued? ☒ official capacity, ( ) individual capacity, ( ) both

3. Defendant No. 2

Name and official position: SEE ATTACHED

Place of employment and/or residence: \_\_\_\_\_

How is this person sued? ☒ official capacity, ( ) individual capacity, ( ) both

If there are more than two defendants, describe the additional defendants using this same format on a separate sheet(s).

**V. Cause of Action**

Instructions

1. *Provide a short and plain statement of each claim.*
  - Describe the facts that are the basis for your claim.
  - You can generally only sue defendants who were directly involved in harming you. Describe how each defendant violated your rights, giving dates and places.
  - Explain how you were hurt and the extent of your injuries.
2. *You are not required to cite case law.*
  - Describe the constitutional or statutory rights you believe the defendant(s) violated.
  - At this stage in the proceedings, you do not need to cite or discuss any case law.
3. *You are not required to attach exhibits.*
  - If you do attach exhibits, you should refer to the exhibits in the statement of your claim and explain why you included them.
4. *Be aware of the requirement that you exhaust prison grievance procedures **before** filing your lawsuit.*
  - If the evidence shows that you did not fully comply with an available prison grievance process prior to filing this lawsuit, the court may dismiss the unexhausted claim(s) or grant judgment against you. See 42 U.S.C. § 1997e(a).
  - Every claim you raise must be exhausted in the appropriate manner.
5. *Be aware of any statute of limitations.*
  - If you are suing about events that happened in the past, your case may be subject to dismissal under the statute of limitations. For example, for many civil rights claims, an action must be brought within two years from the date when the plaintiff knew or had reason to know of the injury that is the basis for the claim.

6. *Do not include claims relating to your criminal conviction or to prison disciplinary proceedings that resulted in loss of good time credits.*

- If a ruling in your favor “would necessarily imply the invalidity” of a criminal conviction or prison disciplinary punishment affecting the time served, then you cannot make these claims in a civil rights complaint unless you have already had the conviction or prison disciplinary proceeding invalidated, for example through a habeas proceeding.

Claims

List the federal right(s) that you believe have been violated, and describe what happened. Each alleged violation of a federal right should be listed separately as its own claim.

1. **Claim 1:**

(1) List the right that you believe was violated:

SEE Attached

(2) List the defendant(s) to this claim: (If you have sued more than one defendant, specify each person or entity that is a defendant for this particular claim.)

SEE Attached

(3) List the supporting facts:

SEE ATTACHED

(4) Relief requested: (State briefly exactly what you want the court to do for you.)

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2. Claim II:

(1) List the right that you believe was violated:

NA

(2) List the defendant(s) to this claim: (If you have sued more than one defendant, specify each person or entity that is a defendant for this particular claim.)

NA

(3) List the supporting facts:

NA

(4) Relief requested: (State briefly exactly what you want the court to do for you.)

NA

If there are more than two claims that you wish to assert, describe the additional claims using this same format on a separate sheet(s).

#### VI. Declarations

I declare under penalty of perjury that the foregoing is true and correct.

Sham D/412  
Plaintiff's signature

30 DEC 2020  
Date

I further declare under penalty of perjury that I placed this complaint in the prison's legal mail system, with the correct postage attached, on the 30<sup>th</sup> day of December, 2020.

Sham D/412  
Plaintiff's signature

30 DEC 2020  
Date



## Advisory

I want to proceed with this as a "Class Action."

The class should include all defendants who have:

- a) Been fined by the County of Stephens, OK for simply being in jail at least since the new section of the jail was built.
- b) Had their bonds set by "The First Parallel."
- c) Were held in confinement with wears supporting evidence.
- d) Whose pre-trial confinement was beyond 6 months for felonies and 1 month for misdemeanors. (Not including COVID-19 shutdown time).
- e) Who were assigned indigent counsel.
- f) Who fit any single one of the above.
- g) Additional factors may be added at a later date.

- I have a checkbook in my property.
- The jail will not allow me to access it.
- I am attempting to remedy this with U.S. District Judge Palko. (JU-20-1242-SLP)
- I will pay the fees when remedied.



Intentionally

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## Introduction: (Front and Back)

**Background:** I am currently a pre-trial detainee and a medically retired Combat-Veteran. I have been in Stephens County Jail for over 3 years. I have become acquainted with many, many defendants facing the full spectrum of charges and punishments.

**Synopsis:** Within the Justice Apparatus, within Stephens County, exists a parallel yet comingling, unconstitutional, intentional and incentive-based political cliques. The "conspirators" enjoy a monolithic power to conduct themselves with impunity as they occupy the highest office with the District Courts, the District Attorney's Office, Drug Court, The Court Clerk Office and the large Bondsman Firm serving the district.

**Facts:** Stephens County is in financial straits. It cannot afford to fund pensions for its Judges. A new jail meant for a D.O.C. contract that was withdrawn moved the county to enact a singularly unique fee levied on inmates for the first 90 days of detention. The original "fee" was \$35.00 a day. The new "fee" is known as "Exhibit-K" at \$45.00 a day for the first 90 days. Utilizing Generally-Accepted Accounting Principles (GAP) the County then leverages the ledger credit of those fees to improve the financial outlook thereby affording, among other things, pensions.



## Introduction: Continued

This county has the highest pre-trial confinement periods I've ever heard of. It took a year and six months to formally charge me. Quick and Speedy trials do not happen. 90% of indigent defendants are assigned to 1 of 2 lawyers who share an office in Lawton, OK: Ron Williams and Kelly Davis. Their case load combined with the high prosecution rate entices them to encourage plea deals. Therefore they repeatedly extend/push-off cases.

After the bond is set by a district judge, the next court date is set after 90 days in order to maximize exhibit-K fees for each inmate. Bond is set at high numerical values purposefully to prevent bail. Because the majority of Defendants cannot "bail out" the Judges have complete control over a large % of inmates whose presence in the jail converts to money for the county. This constitutes the "First Parallel."

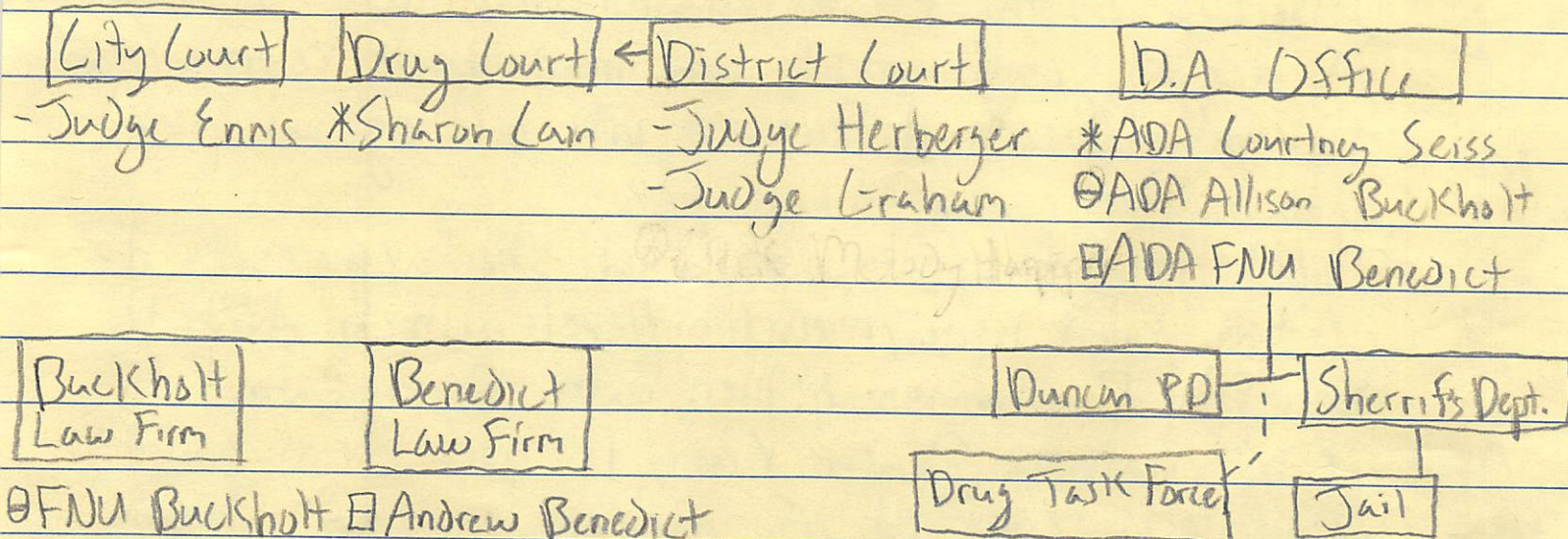
The "Second Parallel" is a family affair. The Cain family occupy a diaspora of power and profit throughout the Justice Apparatus within Stephens County. See diagrams A and B on page 3. They exercise an interlocking and mutually beneficial power influence over the system and U.S. Citizens.



# Introduction: Continued

## Diagram A

## Justice Apparatus: Stephens County



## The Bail Bondsman

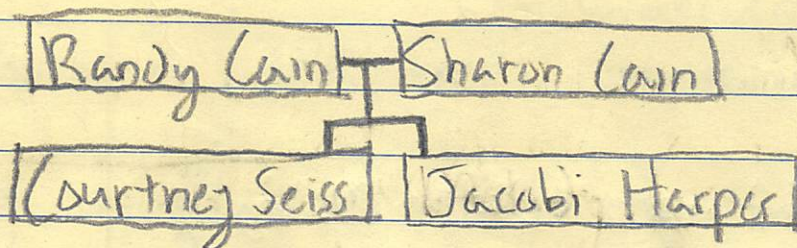
\* Randy Cain  
⊗ Jacobi Harper

## Legend: First Parallel / Second Parallel

- Judge Entitled \* Cain Family to County Pension  
⊗ Cain daughter

## Diagram B

## Cain Family Tree



Jacobi Harper  
(Courtney's Sister)  
⊗ Husband and Wife Buckholt  
⊗ Husband and Wife Benedict

It is clearly shown in the above diagrams that the entire Justice Apparatus is one giant conflict of interest.



## Introduction; Continued

ADA Seiss is the primary felony ADA and recommends Bail for defendants. She reaps a dual benefit:

- 1) Because of the First Parallel she takes advantage of lengthy confinements and inadequate representation to brow-beat defendants into outrageous plea deals. Her career flourishes.
- 2) Within the Second Parallel she acquiesces to certain bond issues/reductions/levels which directly benefit Bail bondsman: Her father Randy Cain.

ADA Seiss' mother, Sharon Cain, is over drug court. They comprise a conflict of interest in that Sharon Cain's vote is used in conjunction with the prosecutorial desires of ADA Seiss. A large percentage of drug court acceptees are female indicating a gender bias. Because of the First Parallel and the above Cain family Trifecta ADA Seiss directs criminal cases to:

- 1) Benefit her career
- 2) Enrich bail bondsman
- 3) Target unwanted citizens for "eviction" to prison.

Additionally, Jacob Harper's relative Melody Harper is a Court Clerk who reviews fines and fees and can initiate flags and influence judges to bar bail to the unfavored or issue recall warrants for delinquents.



## Introduction: Continued

The Cain Family constitute a "Rico-Act" ready operation. However they can easily maintain a veneer of ethics by referring the conflicts to the next layer of the Second Parallel. ADA Buckholts and ADA Benedict both have husbands who practice law within this District. However, all three act in unison to ignore the First Parallel and in Reciprocity the First Parallel ignores the Second Parallel. In reality the entire Justice Apparatus is an incestuous and cancerous subversion of the Constitution whereby both Parallels act as Feudal Lords enriching themselves and their Families by preying on American Citizens for financial and professional gain while exercising their monolithic power to evict unwanted people from the community. The ultimate result is that a real shift of the burden of proof has occurred from the State to the Defendant... the little guy.

Conclusion: There are untold amounts of cases from Stephens County that D.O.C. has had to adjust in the name of capacity. The whole operation continually hands down the harshest sentences in the state. The Parallels are content to force us into Prison and Appeals. Because the money has already been made. The conviction rate maintained. The retirement assured.



## Section II: Cause of Action

Claim 1: The First Parallel is using the conditions and factors explained in the Introduction to purposefully maximize Exhibit-K Fees levied on inmates in Stephens County Jail. The incestuous nature of the Justice Apparatus allows a cancerous and illegal quid pro quo between both Parallels. The DA/ADAs directly benefit from this proclivity to maximize sentences and their conviction rates. Many a time I've heard an inmate say, "I'll sign. I just want to get out of here." I've seen the State elevate charges to get around a bond reduction. Bond is a reward to the connected and low level offenders only. Because of the Apparatus' power to set bail, with lengthy confinement, and ineffective counsel the Parallels disintegrate the power of Defendants to financially, legally and mentally assert their rights. The Second Parallel uses the extraordinary power of the State to enable the First Parallel while using their positions and family influence to subvert the Constitution instead practicing a monolithic "Committee" who pick and choose outcomes amongst themselves. These Parallels constitute an abuse of U.S. Citizens and a very real countermand to Constitutional guarantees of Due Process and Protection from



## Section V: Cause of Action

Tyranny. The First Parallel directly denies the right to a Fast and Speedy trial. It refers poor Defendants to ineffective counsel. This is the set up. The Second Parallel "knocks em down" taking advantage of the conditions explained in the introduction and unheard of lengthy confinements. The Parallels are predatory and unconstitutional. The Second Parallel quid pro quo reward is having cases bound over for trial with insufficient supporting evidence. This sets up the extensive lag time which is a direct wearing down of the mental resistance and acuity of Defendants. Indigent Counsel only appear on court dates and primarily relay plea deals for the Second Parallel. In combination these factors constitute a denial of the right to: Due process, adequate representation, integrity of prosecution, fair and impartial judges, reasonable bail, the presumption of innocence, criminal proceedings free from conflicts of interest and access to competent, affordable and local Lawyers (Who are politically restricted from challenging the Parallels).

Defendants: Judge FNU Enis, Judge FNU Herberger, Judge Ken Graham; Courtney Seiss, Randy Cain, Sharon Cain, Melody Harper, Jacob Harper, Allison Buckhalts, FNU Benedict; The County of Stephens.



## Section V: Relief Requested

- Stephens County must return all collected fees from Exhibit-K and other occupancy "Fees" to the paying person. All outstanding fees must be zeroed.
- Exhibit-K must be eliminated.
- A fund of a yet to be determined amount shall be established to compensate the class for hardship, mental anguish, and impact on their personal/financial lives.
- Stephens County Jail will compile and establish a first class law library.
- Stephens County will pass a measure prohibiting blood relatives and marriage relatives from positions of clear conflict of interest within government and Justice Systems.
- A Federal Judge should assume oversight of the courts within Stephens County for an appropriate period to establish real parity between the prosecution and the Defendant.
- A Federal Authority should audit the County Financial ledgers in cooperation with Oklahoma Authorities to ensure a solvent future in accordance with law.
- A Federal Judge should order a relevant Federal Authority to review sentences handed down by these Parallels for appropriate Habeas Corpus relief.



## Section V: Relief Requested

- A U.S. Attorney should be referred to investigate the prosecutorial misconduct thriving under this situation.

Final Statement: It is my understanding that the overturn rate upon appeal for cases from Stephens County is enormously high. The prosecution knows this and continues to operate thusly. In fact they are content with forcing us into prison and appeals. They will waste our years and simply levy new charges at the next available opportunity should we be stupid enough to re-enter Stephens County. They will use "After-Formers" to maximize the sentence. If this situation is not remedied a long arduous wait in Stephens County Jail will be the condition of United States Citizens long before they can access real Justice in Prison and upon appeal. I have the displeasure of stating:

"The Constitution Does Not Reign In Stephens County"



## Section IV: Parties

- Shane J Kirs
- Class of Plaintiffs \* All Sued in Official Capacity

V

### First Parallel

- Judge FNU Enis
- Judge FNU Herberger
- Judge Ken Graham
- Stephens County, OK  
101 S. 11<sup>th</sup> Street  
Duncan, OK 73533

### Second Parallel

- ADA Courtney Seiss
- ADA Allison Buckholts
- ADA FNU Benedict
- Court Clerk Melody Harper
- Bondsman Randy Cain
- Drug Court Member Sharon Cain
- Bondsman Jacob Harper

Addresses Unknown At this time.

Respectfully Shane J Kirs

Shane Josiah Kirs

Staff Sergeant

U.S. Army (Retired)

(b)